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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/172,435	10/14/1998	OCTAVIUS J. MORRIS	PHB-34.200	9272

7590 08/22/2003

PHILIPS ELECTRONICS NORTH AMERICAN CORP
580 WHITE PLAINS RD
TARRYTOWN, NY 10591

EXAMINER
CHIEU, PO LIN

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/172,435	Applicant(s) MORRIS ET AL.	
	Examiner Polin Chieu	Art Unit 2615	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
 (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ they raise the issue of new matter (see Note below);
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
 NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *the arguments are not persuasive* (see attachment).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

 The status of the claim(s) is (or will be) as follows:

 Claim(s) allowed: _____.

 Claim(s) objected to: _____.

 Claim(s) rejected: *1,4-7 and 9-22*.

 Claim(s) withdrawn from consideration: _____.
8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 7/30/03 have been fully considered but they are not persuasive. The Applicant argues that the mere placement of the I pictures at cyclically predetermined positions makes it unnecessary to use additional data blocks a fixed periodically repeated intervals. In the previous Office Action dated 6/4/03, the examiner stated the same argument. As the examiner suggested previously, the use of additional data blocks eliminates the need for performing the calculations (col. 3, lines 12-23) needed to determine the positions of I frames and the opposite is true as well; and as Kawamura et al suggest, the use of additional data blocks to, "rapidly find[ing] out access points of video data, thus making it possible to carry out quick search at a desired speed" (col. 3, lines 64-67). The Applicant additionally argues that the motivation to eliminate the calculations is not persuasive since the position of the additional data blocks would have to be calculated instead of the I frames. Kawamura et al teaches that the entry packets (additional data blocks) can indicate the "absolute positions" of other entry packets (col. 6, line 63 – col. 7, line 15); and a memory section stores all positions of entry points (col. 7, lines 37-59), clearly eliminating any need to perform calculations to locate the positions of additional data blocks as the Applicant suggest.

The Applicant concludes by arguing that Kawamura et al do not support the obviation of circuitry to perform the calculation by the elimination of the calculation process. Clearly the calculation requires separate circuitry or the use of the CPU

because the device is performing mathematical operations. In the case that the calculation is performed by separate circuitry, eliminating the need for the calculation eliminates the need for the circuitry since the circuitry is only used to perform the calculation. In the case that a CPU is used to perform the calculation, eliminating the need to perform the calculation reduces the number of functions the CPU must perform. If the number of functions a CPU must perform is reduced, then the use of a less powerful CPU is possible, thereby allowing the device to eliminate the more powerful CPU (or circuitry).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC
August 19, 2003

